

#### § 505.4

and 6(f) has been designated, FCSC Form 289, "Application for Compensation for Members of the Armed Forces of the United States Held as Prisoner of War in Vietnam; for Persons Assigned to Duty on board the 'U.S.S. Pueblo' Captured by Military Forces of North Korea; for Civilian American Citizens Captured or Who Went into Hiding to Avoid Capture or Internment in Southeast Asia During the Vietnam Conflict and, in Case of Death of any Such Person, for Their Survivors."

#### § 505.4 Place of filing claims.

Claims must be mailed or delivered in person to the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, DC 20579.

#### § 505.5 Documents to accompany forms.

All claims filed pursuant to sections 5(a) and 6(f) of the Act must be accompanied by evidentiary documents, instruments, and records as outlined in the instruction sheet attached to the claim form.

#### § 505.6 Receipt of claims.

(a) *Claims deemed received.* A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date of delivery at the offices of the Commission in Washington, DC.

(b) *Claims developed.* In the event that a claim has been so prepared as to preclude processing thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official claim form, as may be essential to the processing thereof. In case the evidence or official claim form requested is not returned within the time which may be designated by the Commission, the claim may be deemed to have been abandoned and may be disallowed.

### PART 506—PROVISIONS OF GENERAL APPLICATION

Sec.

506.1 Persons eligible to file claims.

506.2 Persons under legal disability.

506.3 Definitions applicable under the Act.

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AUTHORITY: Sec. 2, Pub. L. 80-896, 62 Stat. 1240, as amended by Pub. L. 91-289, 84 Stat. 324 (50 U.S.C. App. 2001).

SOURCE: 52 FR 17569, May 11, 1987, unless otherwise noted.

#### § 506.1 Persons eligible to file claims.

Persons eligible to file claims with the Commission under the provisions of sections 5(i) and 6(f) of the War Claims Act of 1948, as amended, are:

(a) Civilian American citizens captured and held in Southeast Asia or their eligible survivors, under the provisions of section 5(i) of the Act; and

(b) Members of the Armed Forces of the United States held as prisoners of war during the Vietnam conflict or their eligible survivors, under section 6(f) of the Act.

#### § 506.2 Persons under legal disability.

(a) Claims may be submitted on behalf of persons who, being otherwise eligible to make claims under the provisions of sections 5(i) and 6(f), are incompetent or otherwise under any legal disability, by the natural or legal guardian, committee, conservator, curator, or any other person, including the spouse of such claimant, whom the Commission determines is charged with the care of the claimant.

(b) Upon the death of any individual for whom an award has been made, the Commission may consider the initial application filed by or in behalf of the decedent as a formal claim for the purpose of reissuing the award to the next eligible survivor in the order of preference as set forth under sections 5(i) and 6(d)(4) of the Act.

#### § 506.3 Definitions applicable under the Act.

*Child* means:

(1) A natural or adopted son or daughter of a deceased prisoner of war or a deceased civilian prisoner of war or a deceased American citizen including any posthumous son or daughter of such deceased person.

(2) Any son or daughter of such deceased person born out of wedlock will be deemed to be a child of such deceased for the purpose of this Act, if, (i) legitimated by a subsequent marriage of the parents, (ii) recognized as a child of the deceased by his or her admission,

or (iii) so declared by an order or decree of any court of competent jurisdiction.

*Husband* means the surviving male spouse of a deceased prisoner of war or of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place entered into.

*Natural guardian* means father and mother who shall be deemed to be the natural guardians of the person of their minor children. If either dies or is incapable of action, the natural guardianship of the person shall devolve upon the other. In the event of death or incapacity of both parents, then such blood relative, paternal or maternal, standing in loco parentis to the minor shall be deemed the natural guardian.

*Parent* means:

(1)(i) The natural or adoptive father or mother of a deceased prisoner of war, or any person standing in loco parentis to such deceased person, for a period of not less than 1 year immediately preceding the date of such person's entry into active service and during at least 1 year of such person's minority. Not more than one mother and/or father as defined shall be recognized in any case. A person will not be recognized as standing in loco parentis if the natural parents or adoptive parents are living, unless there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the natural or adoptive parent or parents prior to entry into active service by the deceased prisoner or war;

(ii) An award in the full amount allowable had the deceased prisoner of war survived may be made to only one parent when it is shown that the other parent has died or if there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the other parent.

(2) The father of an illegitimate child will not be recognized as such for purposes of the Act unless evidence establishes that (i) he has legitimated the child by subsequent marriage with the mother; (ii) recognized the child as his by written admission prior to enlistment of the deceased in the armed forces or entry into an overseas duty status; or (iii) prior to death of the

child he has been declared by decree of a court of competent jurisdiction to be the father.

*Widow* means the surviving female spouse of a deceased prisoner of war or a deceased civilian American citizen who was married to the deceased at the time of his death by marriage valid under the applicable law of the place where entered into.

## PART 507—ELIGIBILITY REQUIREMENTS FOR COMPENSATION

### Subpart A—Civilian American Citizens

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AUTHORITY: Sec. 2, Pub. L. 80-896, 62 Stat. 1240, as amended by Pub. L. 91-289, 84 Stat. 324 (50 U.S.C. App. 2001).

SOURCE: 52 FR 17570, May 11, 1987, unless otherwise noted.

### Subpart A—Civilian American Citizens

#### § 507.1 "Civilian American citizen" defined.

*Civilian American citizen* means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in

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Southeast Asia in order to avoid capture or internment by any such hostile force.

### § 507.2 Other definitions.

*Calendar month* means the period of time between a designated day of any given month and the date preceding a similarly designated day of the following month.

*Citizen of the United States* means a person who under applicable law acquired citizenship of the United States by birth, by naturalization, or by derivation.

*Dependent husband* means the surviving male spouse of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into.

*Force hostile to the United States* means any organization or force in Southeast Asia, or any agent or employee thereof, engaged in any military or civil activities designed to further the prosecution of its armed conflict against the Armed Forces of the United States during the Vietnam conflict.

*Southeast Asia* means but is not necessarily restricted to, the areas of North and South Vietnam, Laos, and Cambodia.

*Went into hiding* means the action taken by a civilian American citizen when such person initiated a course of conduct consistent with an intention to evade capture or detention by a hostile force in Southeast Asia.

### § 507.3 Rate of benefits payable.

Detention benefits awarded to a civilian American citizen will be paid at the rate of \$150 for each calendar month of internment or during the period such civilian American citizen went into hiding to avoid capture and internment by a hostile force. Awards shall take account of fractional parts of a calendar month.

### § 507.4 Survivors entitled to award of detention benefits.

In case of death of a civilian American citizen who would have been entitled to detention benefits under the War Claims Act of 1948, as amended, such benefits shall be awarded, if claim is made, only to the following persons:

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(a) Widow or husband if there is no child or children of the deceased;

(b) Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(c) The child or children of the deceased in equal shares if there is no widow or dependent husband, if otherwise qualified.

### § 507.5 Persons not eligible to award of civilian detention benefits.

An individual is disqualified as a “civilian American citizen” under the Act, and thus is precluded from receiving an award of detention benefits, if such person:

(a) Voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force; or

(b) While detained, was a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

## Subpart B—Prisoners of War

### § 507.10 Vietnam conflict.

*Vietnam conflict* refers to the period beginning February 28, 1961, and ending on a date to be determined by Presidential proclamation or concurrent resolution of the Congress.

### § 507.11 “Prisoner of war” defined.

*Prisoner of war* means any regularly appointed, enrolled, enlisted or inducted member of the Armed Forces of the United States who was held by any force hostile to the United States for any period of time during the Vietnam conflict.

### § 507.12 Membership in the Armed Forces of the United States; establishment of.

Regular appointment, enrollment, enlistment or induction in the Armed Forces of the United States shall be established by certification of the Department of Defense.

### § 507.13 “Armed Forces of the United States” defined.

*Armed Forces of the United States* means the United States Air Force,

Army, Navy, Marine Corps and Coast Guard, and commissioned officers of the U.S. Public Health Service who were detailed for active duty with the Armed Forces of the United States.

**§ 507.14 “Force hostile to the United States” defined.**

*Force hostile to the United States* means any organization or force in Southeast Asia, or any agent or employee thereof, engaged in any military or civil activities designed to further the prosecution of its armed conflict against the Armed Forces of the United States during the Vietnam conflict.

**§ 507.15 Geneva Convention of August 12, 1949.**

The Geneva Convention of August 12, 1949, as identified in section 6(f) of the War Claims Act of 1948, as amended, is the “Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949” which is included under the “Geneva Convention of August 12, 1949 For the Protection of War Victims”, entered into by the United States and other governments, including the Government in North Vietnam which acceded to it on June 28, 1957.

**§ 507.16 Failure to meet the conditions and requirements prescribed under the Geneva Convention of August 12, 1949.**

For the purpose of this part, obligations under the Geneva Convention of August 12, 1949, consist of the responsibility assumed by the contracting parties thereto with respect to prisoners of war within the meaning of the Convention, to comply with and to fully observe the provisions of the Convention, and particularly those articles relating to food rations of prisoners of war, humane treatment, protection, and labor of prisoners of war, and the failure to abide by the conditions and requirements established in such Convention by any hostile force with which the Armed Forces of the United States were engaged in armed conflict.

**§ 507.17 Rate of and basis for award of compensation.**

(a) Compensation allowed a prisoner of war during the Vietnam conflict under section 6(f)(2) of the War Claims

Act of 1948, as amended, will be paid at the rate of \$2 per day for each day such person was held as prisoner of war on which the hostile force, or its agents, failed to furnish the quantity and quality of food prescribed for prisoners of war under the Geneva Convention of August 12, 1949.

(b) Compensation allowed a prisoner of war during the Vietnam conflict under section 6(f)(3) of the Act, will be paid at the rate of \$3 per day for each day such person was held as a prisoner of war on which the hostile force failed to meet the conditions and requirements under the provisions of the Geneva Convention of August 12, 1949 relating to labor of prisoners of war or for inhumane treatment by the hostile force by which such person was held.

(c) Compensation under paragraphs (a) and (b) of this section will be paid to the prisoner of war or qualified applicant on a lump-sum basis at a total rate of \$5 per day for each day the prisoner of war was entitled to compensation.

**§ 507.18 Entitlement of survivors to award in case of death of prisoner of war.**

In case of death of a prisoner of war who would have been entitled to an award of compensation under section 6(f) (2) and (3) of the War Claims Act of 1948, as amended, such compensation shall be awarded, if claim is made, only to the following persons:

(a) Widow or husband if there is no child or children of the deceased;

(b) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(c) child or children of the deceased (in equal shares) if there is no widow or husband; and

(d) Parents (in equal shares) if there is no widow, husband or child.

**§ 507.19 Members of the Armed Forces of the United States precluded from receiving award of compensation.**

Any member of the Armed Forces of the United States, who at any time, voluntarily, knowingly, and without duress gave aid to or collaborated with,

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or in any manner served any force hostile to the United States, is precluded from receiving an award of compensation based on such member's capture and internment.

### PART 508—PAYMENT

Sec.

508.1 Payments under the War Claims Act of 1948, as amended by Pub. L. 91-289.

508.2 Payments to persons under legal disability.

508.3 Reissuance of awards.

AUTHORITY: Sec. 2, Pub. L. 80-896, 62 Stat. 1240, as amended (50 U.S.C. App. 2001).

SOURCE: 52 FR 17572, May 11, 1987, unless otherwise noted.

#### **§ 508.1 Payments under the War Claims Act of 1948, as amended by Public Law 91-289.**

(a) Upon a determination by the Commission as to the amount and validity of each claim filed pursuant to section 5(i) and 6(f) of the War Claims Act of 1948, as amended, any award made thereunder will be certified by the Commission to the Secretary of the Treasury for payment out of funds appropriated for this purpose, in favor of the civilian internee or prisoner of war found entitled thereto.

(b) Awards made to survivors of deceased civilian internees or prisoners of war will be certified to the Secretary of the Treasury for payment to the individual member or members of the class or classes of survivors entitled to receive compensation in the full amount of the share to which each survivor is entitled, and if applicable, under the procedure set forth in § 508.3, except that as to persons under legal disability, payment will be made as specified in § 508.2.

#### **§ 508.2 Payments to persons under legal disability.**

Any awards or any part of an award payable under sections 5(i) and 6(f) of the Act to any person under legal disability may, in the discretion of the Commission, be certified for payment for the use of the claimant, to the natural or legal guardian, committee, conservator or curator, or if there is no such natural or legal guardian, committee, conservator or curator, then, in

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the discretion of the Commission, to any person, including the spouse of such person, or the Chief Officer of the hospital in which the claimant may be a patient, whom the Commission may determine is charged with the care of the claimant. In the case of a minor, any part of the amount payable may, in the discretion of the Commission, be certified for payment to such minor.

#### **§ 508.3 Reissuance of awards.**

Upon the death of any claimant entitled to payment of an award, the Commission will cause the award to be cancelled and the amount of such award will be redistributed to the survivors of the same class or to members of the next class of eligible survivors, if appropriate, in the order of preference as set forth under the Act.

### PART 509—HEARINGS

Sec.

509.1 Basis for hearing.

509.2 Request for hearing.

509.3 Notification to claimant.

509.4 Failure to file request for hearing.

509.5 Purpose of hearing.

509.6 Résumé of hearing, preparation of.

509.7 Action by the Commission.

509.8 Application of other regulations.

AUTHORITY: Sec. 2, Pub. L. 80-896, 62 Stat. 1240, as amended by Pub. L. 91-289, 84 Stat. 324 (50 U.S.C. App. 2001).

SOURCE: 52 FR 17572, May 11, 1987, unless otherwise noted.

#### **§ 509.1 Basis for hearing.**

Any claimant whose application is denied or is approved for less than the full allowable amount of such claim, shall be entitled to a hearing before the Commission or its representative with respect to such claim. Hearings may also be held on the Commission's own motion.

#### **§ 509.2 Request for hearing.**

Within 30 days after the Commission's notice of denial of a claim, or approval for a lesser amount than claimed, has been posted by the Commission, the claimant, if a hearing is desired, shall notify the Commission in writing, and shall set forth in such request the reasons in full for requesting the hearing, including any statement

of law or facts upon which the claimant relies.

**§ 509.3 Notification to claimant.**

Upon receipt of such a request the Commission shall schedule a hearing and notify the claimant as to the date and place such hearing is to be held. No later than 10 days prior to the scheduled hearing date, the claimant shall submit all documents, briefs, or other additional evidence relative to an appeal from the award.

**§ 509.4 Failure to file request for hearing.**

The failure to file a request for a hearing within the period specified in § 509.2 will be deemed to constitute a waiver of right to such hearing and the decision of the Commission shall constitute a full and final disposition of the case.

**§ 509.5 Purpose of hearing.**

(a) Such hearings shall be conducted by the Commission, its designee or designees. Oral testimony and documentary evidence, including depositions that may have been taken as provided by statute and the rules of practice, may be offered in evidence on claimant's behalf or by counsel for the Commission designated by it to represent the public interest opposed to the allowance of an unjust or unfounded claim or portion thereof, and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence shall be ruled upon by the presiding officer.

(b) Such hearings may be stenographically recorded either at the request of the claimant or at the discretion of the Commission. A claimant

making such a request shall notify the Commission at least 10 days prior to the hearing date. When a stenographic record of a hearing is ordered at the claimant's request, the cost of such reporting and transcription may be charged to the claimant.

(c) Such hearings shall be open to the public.

**§ 509.6 Résumé of hearing, preparation of.**

Upon such hearing, the hearing officer shall prepare a résumé of the hearing, specifying the issues on which the hearing was based, and including a list of documents and contents and other items relative to such issues which were introduced as evidence. A brief analysis of oral testimony shall also be prepared and included in such résumé of the hearing not stenographically reported.

**§ 509.7 Action by the Commission.**

After the conclusion of such hearing and a review of the résumé, the Commission may affirm, modify, or reverse its former action with respect to such claim, including a denial or reduction in the amount of the award theretofore approved. All findings of the Commission concerning the persons to whom compensation is payable, and the amounts thereof, are conclusive and not reviewable by any court.

**§ 509.8 Application of other regulations.**

To the extent they are not inconsistent with the regulations set forth under provisions of this subchapter, the other regulations of the Commission shall also be applicable to the claims filed hereunder.

## SUBCHAPTER C—RECEIPT, ADMINISTRATION, AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLE- MENT ACT OF 1949, AS AMENDED

### PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

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531.5 Procedure for determination of claims.

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AUTHORITY: Sec. 3, Pub. L. 81–455, 64 Stat. 12, as amended (22 U.S.C. 1622).

SOURCE: 52 FR 17572, May 11, 1987, unless otherwise noted.

#### § 531.1 Time for filing.

Claims shall be filed as specified by the Commission by duly promulgated notice published in the FEDERAL REGISTER, or as specified in legislation passed by Congress, as applicable.

#### § 531.2 Form, content and filing of claims.

(a) Unless otherwise specified by law, or by regulations published in the FEDERAL REGISTER, claims shall be filed on official forms provided by the Commission upon request in writing addressed to the Commission at its office at 1111 20th Street, NW., Washington, DC 20579; shall include all of the information called for in the appropriate form; and shall be completed and signed in accordance with the instructions accompanying the form.

(b) Notice to the Foreign Claims Settlement Commission, the Department of State, or any other governmental office or agency, prior to the enactment of the statute authorizing a claims program or the effective date of a lump-sum claims settlement agreement, of an intention to file a claim against a foreign country, shall *not* be considered as a timely filing of a claim under the statute or agreement.

(c) Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be

considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period.

#### § 531.3 Exhibits and documents in support of claim.

(a) If available, all exhibits and documents shall be filed with and at the same time as the claim, and shall, wherever possible, be in the form of original documents, or copies or originals certified as such by their public or other official custodian.

(b) *Documents in a foreign language.* Each copy of a document, exhibit or paper filed, which is written or printed in a language other than English, shall be accompanied by an English translation thereof duly verified under oath by its translator to be a true and accurate translation thereof, together with the name and address of the translator.

(c) *Preparation of papers.* All claims, briefs, and memoranda filed shall be typewritten or printed and, if typewritten, shall be on legal size paper.

#### § 531.4 Acknowledgement and numbering.

The Commission will acknowledge the receipt of a claim in writing and will notify the claimant of the claim number assigned to it, which number shall be used on all further correspondence and papers filed with regard to the claim.

#### § 531.5 Procedure for determination of claims.

(a) The Commission may on its own motion order a hearing upon any claim, specifying the questions to which the hearing shall be limited.

(b) Without previous hearing, the Commission or a designated member of the staff may issue a Proposed Decision in determination of a claim.

(c) Such Proposed Decision shall be delivered to the claimant or the claimant's attorney of record in person or by mail. Delivery by mail shall be deemed completed 5 days after the mailing of such Proposed Decision addressed to

the last known address of the claimant or the claimant's attorney of record. A copy of the Proposed Decision shall be available for public inspection at the offices of the Commission.

(d) It shall be the policy of the Commission to post on a bulletin board any information of general interest to claimants before the Commission.

(e) When the Proposed Decision denies a claim in whole or in part, the claimant may within 15 days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence or only for the hearing of oral argument upon the errors assigned.

(f) Copies of objections to or requests for hearings on Proposed Decisions shall be available for public inspection at the Commission's offices.

(g) Upon the expiration of 30 days after service or receipt of notice, if no objection under this section has in the meantime been filed, a staff Proposed Decision, upon approval by the Commission, shall become the Commission's final determination and decision on the claim. A Proposed Decision issued by the Commission may become final after 30 days without further order or decision by the Commission.

(h) If an objection has in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof, (1) issue a Final Decision affirming or modifying its Proposed Decision, (2) issue an Amended Proposed Decision, or (3) on its own motion order hearing thereon, indicating whether for the taking of evidence on specified questions or only for the hearing of oral arguments.

(i) After the conclusion of a hearing, upon the expiration of any time allowed by the Commission for further submissions, the Commission may proceed to issue a Final Decision in determination of the claim.

(j)(1) In case an individual claimant dies prior to the issuance of the Final Decision, such person's legal representative shall be substituted as party claimant. However, upon failure of a representative to qualify for substitution, the Commission may issue its

decision in the name of the estate of the deceased and, in case of an award, certify the award in the same manner to the Secretary of the Treasury for payment, if the payment of such award is provided for by statute.

(2) Notice of the Commission's action under this paragraph shall be forwarded to the claimant's attorney of record, or if the claimant is not represented by an attorney, such notice shall be addressed to the estate of the claimant at the last known place of residence.

(3) The term "legal representative" as applied in this paragraph means, in general, the administrator or executor, heir(s), next of kin, or descendant(s).

(k) After the date of filing with the Commission no claim shall be amended to reflect the assignment thereof by the claimant to any other person or entity except as otherwise provided by statute.

(l) At any time after a final Decision has been issued on a claim, or a Proposed Decision has been entered as the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with the program under which such claim is filed, a petition to reopen on the ground of newly discovered evidence may be filed. No such petition shall be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the Final Decision or the date on which the Proposed Decision was entered as the Final Decision; that it was not for want of due diligence that such evidence did not come sooner to the claimant's knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of such evidence would produce a different decision. Such petition shall include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

#### **§531.6 Hearings.**

(a) Hearings, whether upon the Commission's own motion or upon request



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of claimant, shall be held upon not less than fifteen days' notice of the time and place thereof.

(b) Such hearings shall be open to the public unless otherwise requested by claimant and ordered by the Commission.

(c) Such hearings shall be conducted by the Commission, its designee or designees. Oral testimony and documentary evidence, including depositions that may have been taken as provided by statute and the rules of practices, may be offered in evidence on the claimant's behalf or by counsel for the Commission designated by it to represent the public interest opposed to the allowance of any unjust or unfounded claim or portion thereof; and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence shall be ruled upon by the presiding officer.

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(d) The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the termination of his or her claim.

(e) Hearings may be stenographically reported either at the request of the claimant or upon the discretion of the Commission. A claimant making such a request shall notify the Commission at least ten (10) days prior to the hearing date. When a stenographic record of a hearing is ordered at the claimant's request, the cost of such reporting and transcription may be charged to the claimant.

**§ 531.7 Presettlement conference.**

The Commission on its own motion or initiative, or upon the application of a claimant for good cause shown, may direct that a presettlement conference be held with respect to any issue involved in a claim.

## CHAPTER VI—NATIONAL SCIENCE FOUNDATION

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## PART 601—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION

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AUTHORITY: E.O. 12958, 3 CFR, 1995 Comp. p. 333.

SOURCE: 47 FR 57284, Dec. 23, 1983, unless otherwise noted.

### §601.1 Purpose.

Pursuant to Executive Order 12958 and Information Security Oversight Office Directive No. 1, the National Science Foundation [Foundation] issues the following regulations. The regulations identify the information to be protected, prescribe classification, declassification, downgrading, and safeguarding procedures to be followed, and establish a monitoring system to ensure the regulations' effectiveness.

[47 FR 57284, Dec. 23, 1983, as amended at 61 FR 51021, Sept. 30, 1996]

### §601.2 Classification authority.

The Foundation does not have original classification authority under Executive Order 12958. In any instance where a Foundation employee develops information that appears to warrant classification because of its national security character, the material will be afforded protection and sent to the Division of Administrative Services (DAS). Upon determination that classification is warranted, DAS will submit such material to the agency that has appropriate subject matter interest and classification authority.

[47 FR 57284, Dec. 23, 1983, as amended at 61 FR 51021, Sept. 30, 1996]

### §601.3 Security program.

The Director, Division of Administrative Services, is responsible for conducting a security program that ensures effective implementation of Executive Order 12958, to include:

(a) Maintaining active training and orientation programs for employees concerned with classified information or material.

(b) Encouraging Foundation personnel to challenge those classification decisions they believe to be improper.

(c) Issuing directives that ensure classified information is used, processed, stored, reproduced and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(d) Recommending to the Director appropriate administrative action to correct abuse or violation of any provision of these regulations, including notification by warning letters, formal reprimand, and to the extent permitted by law, suspension without pay and removal.

[47 FR 57284, Dec. 23, 1983, as amended at 61 FR 51021, Sept. 30, 1996]

### §601.4 Classification Review Committee.

The Security Officer (Information) chairs the Foundation's Classification Review Committee which has authority to act on all suggestions and complaints with respect to the Foundation's administration of the regulations. The Assistant Directors and the Heads of other offices reporting to the Director serve as members of the Committee. All suggestions and complaints including those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved, shall be referred to the Committee for resolution. The Committee shall establish procedures to review and act within 30 days upon all appeals regarding requests for declassification. The Committee is authorized to overrule previous determinations in whole or in part when in its judgment, continued protection is no longer required. If the Committee determines that continued classification is required under the criteria of the Executive Order, it shall promptly so notify the requester and advise him that he may file an application for review with the Foundation. In addition, the Committee shall review all appeals of requests for records